



Fox Rothschild LLP
ATTORNEYS AT LAW

101 Park Avenue, 17th Floor
New York, NY 10178
Tel (212) 878-7900 Fax (212) 692-0940
www.foxrothschild.com

SHIREEN NASIR
Direct No: 646.601.7649
Email: SNasir@FoxRothschild.com

August 16, 2018

The Honorable Paul G. Gardephe
Thurgood Marshall
United State Courthouse
40 Foley Square
New York, NY 10007-1312

Re: 1:18-cv-00476-PGG, Plaintiff's Third Letter Motion for Extension of Time Within Which to Effectuate Service on John Doe Defendant

Dear Judge Gardephe:

Fox Rothschild, LLP represents Plaintiff in the above captioned matter. Plaintiff respectfully requests an order extending the time within which Plaintiff has to serve Defendant with a summons and Complaint. A procedural history of this case is detailed below in support of Plaintiff's request for an extension of time to effectuate service.

On January 18, 2018, Plaintiff filed the instant case against John Doe, subscriber assigned IP address 74.64.105.55, alleging Defendant infringed thirty of Plaintiff's works through the BitTorrent protocol. [Dkt. No. 1]. Because Defendant is only known to Plaintiff by Defendant's IP address, on February 2, 2018, Plaintiff requested leave file a Motion for Leave to Serve a Third Party Subpoena on the Defendant's Internet Service Provider ("ISP"). [Dkt. No. 7]. On February 5, 2018, the Court granted Plaintiff leave to file that motion. [Dkt. No. 8].

Accordingly, on February 9, 2018, Plaintiff filed a Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference ("Motion") in order to serve a third party subpoena on Defendant's ISP. [Dkt. No. 10]. On February 15, 2018, Plaintiff was granted leave to serve a third party on Defendant's ISP to obtain Defendant's identifying information [Dkt. No. 12].

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Plaintiff served the subpoena on February 22, 2018 and received the ISP's response on or about April 16, 2018.

Pursuant to Fed. R. Civ. P Rule 4(m), Plaintiff was required to effectuate service on the Defendant by no later than April 18, 2018. Because Plaintiff had only received the ISP the previous day, Plaintiff filed a Letter Motion for Extension of Time Within Which to Effectuate Service ("Letter Motion") on April 17, 2018 [Dkt. No. 13]. The Court granted Plaintiff's Letter Motion on April 25, 2018, extending the deadline to effectuate service to June 17, 2018 [Dkt. No. 14].

On June 12, 2018, Defendant filed a Motion to Quash Subpoena and Motions for a Protective Order ("Motion to Quash"), which is currently pending before the Court [Dkt. No. 15].

On June 15, 2018, Plaintiff filed its Second Letter Motion for Extension of Time Within Which to Effectuate Service ("Second Letter Motion") [Dkt. No. 17]. The Court granted Plaintiff's Second Letter Motion on June 20, 2018, extending the deadline to serve Defendant to August 16, 2018 [Dkt. No. 18].

Plaintiff filed its Response in Opposition to Defendant's Motion to Quash on June 25, 2018 [Dkt. 19]. Because Defendant's Motion to Quash is currently pending before the Court, Plaintiff is unable to comply with the current deadline to effect service. For the foregoing reasons, Plaintiff respectfully requests that the time within which it must effectuate service of a summons and Complaint on the John Doe Defendant be extended an additional sixty (60) days, and thus the deadline to effect service be extended to October 15, 2018.

Respectfully Submitted,

By: /s/ Shireen Nasir
Shireen Nasir, Esq.
snasir@foxrothschild.com
101 Park Avenue
17th Floor
New York, NY 10178
Tel.: (212) 878-7900
Fax: (212) 692-0940
www.foxrothschild.com
Attorney for Plaintiff